

Memorandum

Date : January 26, 2000

Telephone: (916) 654-4074

To : Delta Energy Center Siting Committee
William J. Keese, Chairman and Presiding Member
Robert Pernell, Associate Member

File:s:delta/pmpd/commentltr.doc

From : **California Energy Commission** - Paul Richins, Jr.
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Project Manager

Subject : Delta Energy Center PMPD Comments

Energy Commission staff supports the PMPD and makes the following comments of clarification on the report:

Pages 1-8, Introduction—We recognize that one or more exhibits contain information on the outreach efforts conducted in this proceeding. However, we suggest that the Introduction, or another appropriate section of the decision, contain a summary and explanation of the out reach efforts made by the Public Advisor and the staff.

Page 43, Department of Fish and Game Filing Fee—Please delete the existing two paragraphs and add the following:

Pursuant to the provisions of Fish and Game Code Section 711.4, the project owner shall pay a filing fee in the amount of eight hundred and fifty dollars (\$850). The payment instrument shall be provided to the Commission's Project Manager at the time of project certification and shall be made payable to the California Department of Fish and Game.

The Commission's Project Manager will submit the payment to the Office of Planning and Research at the time of filing of the Notice of Decision pursuant to Public Resources Code Section 21080.5.

Page 49, last paragraph—Delete #4.

Transmission System Engineering

Page 85, second complete paragraph, second line—"Participating Transmission Operators" should be changed to "Participating Transmission Owners".

Page 86, second complete paragraph, seventh line—delete (See, **Facility Design** section.)

Page 91, second complete paragraph, last line—add 1g so the last line should read, "Conditions TSE-1b, 1e and 1g".

Page 91, Findings and Conclusions, item 1—suggest changing the wording to read, “Delta Energy Center will interconnect with the Cal-ISO controlled grid at PG&E’s Pittsburg Power Plant switchyard.

Page 91, Findings and Conclusions, item 2—suggest dropping the words, “at 230 kV per circuit” from the end of the sentence.

Page 94—Insert “Verification:” in front of the last paragraph on page.

Air Quality

Page 105, second paragraph, eighth line—delete “and 2.5 microns”. There are no standards that have been adopted for PM_{2.5}.

Page 105, third paragraph, third line—change the word “operate” to “construct”.

Page 106, first paragraph, seventh line—please capitalize “Air District”.

Page 106, fourth paragraph, first and second lines—add the word “the” before BAAQMD and before DEC.

Page 114, paragraph c, lines 8-11—delete the entire sentence that begins, “Mitigation requirements are....” This statement pertains to VOC’s not PM₁₀.

Page 115, first full paragraph, first line—add the word “of” before “state or federal”.

Page 117, first full paragraph, lines 3, 7, and 8—the o in SO_x should be capitalized, add “the” before the word “applicant”, and change “at” to “based on”.

Page 117, second full paragraph, second line—change the word “at” to “as”.

Page 118, last paragraph, second through fourth line—insert the word “that” before “the” and change “Air District to require” to “applicant provide” and change “Ex. 54, p22” to “p. 120”.

Page 122, item #1, fifth and sixth lines—please delete “and PM_{2.5}”.

Page 122, item # 4, second line, should read: “. . . for the federal O₃ standard and the California 24 hour average PM₁₀ standard and O₃ standard.”

Page 122, item #5, second line—after “particulate matter” please add “PM₁₀”.

Page 123, item #16, second line—change “for” to “over”.

Page 152, AQ-74, number three under Protocol, fourth sentence—please change AQ-2 to AQ-75.

Page 153--Change AQ-2 to AQ-75 in number one of the verification portion of condition AQ-75.

Public Health

Page 169, Findings and Conclusions, item #6—This finding should read as follows: "The potential cumulative impact of the DEC project on public health is de minimis." This correction is needed in that there was no testimony indicating that the effect of the Dow facility is de minimis.

Biological Resources

Many of the comments for biological resources are shown in underline for added material and strikeout for deleted text.

Page 195, third paragraph—Applicant was not able to confirm that the cysts were, in fact, the ~~species of~~ vernal ~~pool~~ fairy shrimp listed as federally threatened. However, to ensure compliance with applicable law in the event that the threatened species are found, Applicant agreed to implement the follow-up mitigation measures.⁹⁶ (11/3 RT 15:4 15 & 17:24 19:9.) See Condition **BIO-8 (p)**.

Page 195, Footnote 96—Dry season sampling of the cysts did not prove dispositive for vernal pool fairy shrimp, as opposed to ~~a~~-versatile ~~fairy shrimp~~species. (10/3 RT 44:6-45:19; Ex. 20, p. 272.) For purposes of impact analysis and mitigation recommendations, however, Applicant was willing to assume the shrimp cysts collected during the dry season vernal pool survey are vernal pool fairy shrimp. (*Ibid.*; cf. 11/3 RT 15:4-15 & 17:24-19:9.)

Page 197, second paragraph—A 5.2 mile, 20 inch diameter, underground natural gas supply pipeline will be installed to the east, connecting to PG&E's Line 400 in Antioch. (Ex. 20, p. 270; see Figure 1.1-5.)¹⁰¹ The natural gas pipeline will be constructed primarily within the BN&SF Railroad right-of-way (11/3 RT 15:12 - 16:6; Ex. 20, p. 303; Ex. 2, /8.2.2.2.1; see Figure 8.2-1 & Figures 8.2-2D & 2G.) Sensitive habitats, such as the Dow Wetlands Preserve, will be avoided by horizontal directional drilling (HDD),¹⁰² except for one segment that passes ~~through coastal brackish marsh habitat between south of~~ the Antioch Marina ~~in the BN&SF R-O-W and the Antioch Public Fishing Pier.~~ There, the pipeline will be buried in a trench about 700 feet long.¹⁰³ (*Ibid.*; 11/3 RT ~~45:21~~63:6-52:12.)

Page 197, Footnote 103—~~There, the pipeline will be buried in a trench about quarter of a mile long.~~ (Ex. 20, p. 303.) Construction of the natural gas pipeline through waters of the U.S. and/or wetlands will require a 404 Permit. (11/3 RT 11:21-13:8; Ex. 14.)

Page 201, Item 3—The above seasonal wetland was found potentially to have cysts (an intermediate dry-period life stage) of the federally-listed vernal pool fairy shrimp.

Page 204, second full paragraph—Insert the following information at the end of the second full paragraph: "No disturbance will be allowed in any designated sensitive area (s) until the CPM approves a new designated biologist and that designated biologist is on-site."

Page 206, Bio-5, line 3—please add the following phrase to the end of the sentence "as well the transmission lines over Dowest Slough". This requirement was agreed to by Energy Commission staff and the applicant during the hearings.

Page 204, the fourth complete paragraph—suggest making the paragraph and every thing that follows a verification for Bio-1.

Verification: At least 30 days prior to the start of surface

Page 208, Bio-8—The project owner shall submit to the CPM for review and approval a Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) for this project.

Protocol: The BRMIMP shall:

Page 209, Verification--At least 60 days prior to the start of surface disturbing activities at the project site and/or at ancillary facilities, the project owner shall:

- provide the CPM with the final version of the BRMIMP for this project, and the CPM will determine the plan's acceptability within 15 days of receipt of the final plan. After the plan is approved, the project owner shall notify the CPM five working days before implementing any agreed to modifications to the BRMIMP.

Within 30 days after completion of construction, the project owner shall provide to the CPM for review and approval a written report identifying:

- which items of the BRMIMP have been completed,

Page 210, Verification--The CPM will review the BRMIMP, and, as deemed necessary, ask the project owner to modify and/or clarify the report content and/or format.

If the BRMIMP does not include the monitoring protocol listed above, the CPM will

Cultural Resources

Page 230, second line—please add the word “significant”, before the phrase, “adverse impacts”.

Page 232, item d.—drop the item d designation from this item. The paragraph should be retained but as part of CUL-2 and not a part of the list of items a-d.

Page 240, CUL-16—this condition can be deleted as this requirement is covered in the general conditions.

Visual Resources

Page 290, Verification, third line—change the word “approved” to “comment”.

Page 291, VIS-7, second line—add the word “the” before the words, “power plant”.

Page 294 and 295, Protocol—change all the bulleted items to numbered items as the condition refers to Protocol 1-6 and Protocols 1, 3, 5 and 6.

Socioeconomics

Page 318, top of the page should read: ". . . however, Staff found that the demographic data do not reveal a significantly greater minority population in the affected area than in Pittsburg as a whole. In fact, the minority composition of Pittsburg is greater than that of the affected area."

Pages 318-319, footnote 170, should read: ". . . impacts are mitigated to levels that are less than significant."

Page 322, last sentence of; first full paragraph, add this phrase to end of sentence: ". . . designed to protect the public health of the most sensitive receptors."